

Message Text

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ORIGIN ARA-20

INFO OCT-01 ISO-00 DLOS-06 COA-02 L-03 IO-14 SSO-00 NSCE-00

USIE-00 INRE-00 SS-20 H-03 NSC-07 DOTE-00 AID-20

OMB-01 COME-00 CG-00 CIAE-00 DODE-00 INR-10 NSAE-00

PA-04 RSC-01 PRS-01 SP-03 INT-08 /124 R

DRAFTED BY ARA/EP:SMPRINGLE/L/OES:MBWEST

APPROVED BY ARA:HWSHLAUDEMAN

D/LOS - OESKIN

L/OES - MBWEST

S/FW - WLSULLIVAN

ARA/PLC - JLMARTIN

L/ARA - MGKOZAK

D/LOS - SMCINTYRE

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FM SECSTATE WASHDC

TO AMEMBASSY QUITO IMMEDIATE

C O N F I D E N T I A L STATE 077807

E.O.11652: GDS

TAGS: EFIS, EC

SUBJ: FISHERIES TALKS

REF: A. STATE 70164; B. QUITO 2426; C. QUITO 2028;

D. QUITO 2503

1. WE APPRECIATE COMMENTS AND SUGGESTIONS CONTAINED REF B.
IN REPLYING TO QUEVEDO, WE DO NOT WISH STATE THAT ASSOCIA-
TION AGREEMENT WOULD BE MADE UNDER TERMS OF ECUADOREAN LAW,
SINCE TH MIGHT BE TAKEN BY GOE AS IMPLYING AGREEMENT ON
OUR PART THAT ALL ASPECTS OF ECUADOREAN LAW WOULD APPLY.
LIKEWISE WE DO NOT WISH TO COMMIT OURSELVES TO HAVE USG
OBSERVER AT INDUSTRY-TO-INDUSTRY TALKS, SINCE WE MIGHT WISH
TO LIMIT OUR ROLE TO BEHIND-THE-SCENES ADVISORY ONE.

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2. WE THEREFORE PROPOSE CALL IN QUEVEDO AND MAKE FOLLOWING

POINTS:

A. THE PROPOSED ASSOCIATION AGREEMENT WOULD BE AN INDUSTRY-TO-INDUSTRY ARRANGEMENT, AND THE UNITED STATES GOVERNMENT WOULD NOT BE A PARTY.

B. OUR INDUSTRY WILL, OF COURSE, NEGOTIATE ACCORDING TO WHAT THEY PERCEIVE TO BE IN THEIR BEST COMMERCIAL AND FISHERIES INTERESTS, AND IT WILL BE UP TO THEM TO DECIDE ON THE BASIS OF WHAT IS PROPOSED WITH RESPECT TO APPLICABILITY OF ECUADOREAN LAW, EXACTLY WHAT TERMS AND CONDITIONS

THEY COULD ACCEPT IN AN ASSOCIATION AGREEMENT. FYI. INDUSTRY'S ABILITY TO ACCEPT ANY PARTICULAR AGREEMENT WOULD ALSO HAVE TO TAKE INTO ACCOUNT APPLICABLE DOMESTIC AND INTERNATIONAL LEGAL STANDARDS, FOR EXAMPLE, STANDARDS APPLICABLE TO CRIMINAL JURISDICTION OVER PERSONS ON U.S. FLAG VESSELS. END FYI.

C. REPRESENTATIVES ON THE ECUADOREAN SIDE WOULD, OF COURSE, ALSO BE FREE TO PROPOSE AND HOLD OUT FOR WHATEVER CONDITIONS THEY WISH.

D. WE HOPE THE PARTIES ON BOTH SIDES WILL APPROACH THE NEGOTIATIONS WITH OPEN MINDS, THAT BOTH SIDES WILL BE SENSITIVE TO THE NEEDS AND REQUIREMENTS OF THE OTHER, AND THAT INFLEXIBLE PRECONDITIONS CONCERNING THIS POINT WILL NOT BE PLACED ON THE NEGOTIATIONS.

3. RE CONSULTATIONS ON MIGRATORY SPECIES PROPOSED BY PONCE (REF C), IT WOULD APPEAR FROM QUEVEDO'S PRESENTATION IN REF A THAT THIS MIGHT NO LONGER BE GOE PRECONDITION FOR TALKS AND THEREFORE MIGHT NOT HAVE TO BE ADDRESSED BY U.S. IF YOU THINK IT ADVISABLE TO RESPOND, HOWEVER, WE WOULD BE PREPARED TO REFER TO PONCE APPROACH AND INFORM QUEVEDO AS FOLLOWS:

A. U.S. IS IN PROCESS OF CONSULTING NUMBER OF GOVERNMENTS THROUGHOUT THE WORLD ON LOS ISSUES AND WOULD, OF COURSE, BE WILLING TO HOLD DISCUSSIONS WITH GOE ON LOS ISSUES
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INCLUDING HIGHLY MIGRATORY SPECIES.

B. THESE TALKS, HOWEVER, WOULD BE ENTIRELY SEPARATE AND INDEPENDENT FROM THE DISCUSSIONS ON AN ASSOCIATION AGREEMENT. WE COULD NOT AGREE TO A LINKAGE BETWEEN THE TWO TALKS OR THAT LOS TALKS ARE A PRECONDITION TO ASSOCIATION DISCUSSIONS. THE TWO DISCUSSIONS INVOLVE DIFFERENT PEOPLE, DIFFERENT ISSUES, DIFFERENT PERIODS OF TIME AND

MUST PROCEED SEPARATELY.

C. IF GOE DESIRES LOS DISCUSSIONS INCLUDING HIGHLY
MIGRATORY SPECIES, DEPARTMENT WILL PROVIDE DETAILS AT A
LATER DATE.

4. WOULD APPRECIATE YOUR VIEWS ASAP AS TO WHETHER WE
SHOULD RAISE PARA 3 ABOVE WITH QUEVEDO.

5. RE QUITO 2503, WE WILL ONCE AGAIN EMPHASIZE THAT
"ARREGLO INTERINO" MERELY REFERS TO ASSOCIATION ARRANGE-
MENT ON INDUSTRY-TO-INDUSTRY BASIS. KISSINGER

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